

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**THE PHOENIX INSURANCE COMPANY
a/s/o Visual Graphic Systems, Inc.,**

Plaintiff,

-against-

**DHL EXPRESS (USA), INC., STAMACK
CONSTRUCTION, LLC, and CON-TECH
PAINTING, INC.,**

Defendants.

CASE NO.: 07-cv-11177-LTS

**STATEMENT
PURSUANT TO LOCAL RULE 1.4**

I, Richard M. Baron, do hereby state the following:

1. I am an attorney at law of the State of New York and a principal in The Law Firm of Richard M. Baron. I submit this statement in accordance with Local Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York and in support of this firm's application to substitute for the Law Offices of Donald L. Frum as counsel of record on behalf of Stamack Construction, LLC ("Stamack"). I am familiar with the facts set forth herein.

2. An insurance carrier known as Zurich, N.A. has agreed to provide a defense to Stamack in this matter. I have been asked by Zurich to appear on Stamack's behalf. Stamack has agreed to this substitution, and the Law Offices of Donald L. Frum has consented to it.

3. The current posture of the case is that it has only recently become active. An initial, pre-trial scheduling conference before Judge Swain was held on July 17, 2008, while mediation has been scheduled for August 4, 2008. No discovery has yet been exchanged, and the matter has not yet been scheduled for trial.

4. I state under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
July 28, 2008

A handwritten signature in cursive script, appearing to read "Richard M. Baron", is written above a horizontal line.

Richard M. Baron